

ABSTRACT

Yudan Fatoni. Court Decision Religious Bangil 04210111 Number 538/pdt.g/2004.bgl. about Menghijab Daughter Brother Male Perspective Bladder Fiqh Indonesia. Thesis. Programs: Ahwalus As Syakhsiyah, Faculty of Sharia, Islamic University of Malang State Maulana Malik Ibrahim. Advisors: Zaenul Mahmudi, M.A.

Keywords: Heirs / menghijab / Walad.

This thesis is the result of field research (Field Research), which discusses the "Court Decision Religious Bangil No 538/Pdt.G/2004. about a girl who's brother menghijab bladder Indonesian fiqh perspective. How to Review Court of Justice on the verdict of Religion Bangil No 538/Pdt.G/2004. about a girl who's brother menghijab bladder Indonesian fiqh perspective.

This study aims to answer the question of whether the underlying decision of the Court of Justice Religion Bangil No 538/Pdt.G/2004. about a girl who menghijab biological brother.

Research take place through interviews and documentation and then analyzed by normative legal research techniques (normative legal reseach). The study also called normative law doctrnal legal research in the study of positive law. Because of the normative research literature menggabungkan materials as a source of research data.

The results of this study concluded that the basic law used Bangil Religious court Judge in deciding the case is the Supreme Court jurisprudence No 86K/AG/1994. As according to Law about a girl who menghijab siblings, there is a difference of opinion, between Sunni Fiqh opinion, the opinion of Ibn Abbas (Shiite), Hazairin opinion, The concept of KHI, BW concept, they differ in interpreting the word "al Walad" in the letter An Nisa 'verse 176, according to Sunni fiqh "al Walad" means son, so that siblings become asabah, while according to Ibn Abbas said "al Walad" is the boys and girls so that siblings become terhijab, and opinion of Ibn Abbaslah used because according to the conditions of Indonesian society, and also used by the Supreme Court as the basis Yurisprudensinya.